

Draft Minutes

SUTTONS BAY TOWNSHIP

REGULAR PLANNING COMMISSION MEETING - July 6, 2021

CALL TO ORDER

Dennis Rathnaw, Chair, called the Suttons Bay Township Planning Commission Meeting to order on Tuesday, July 6, 2021 at the Suttons Bay Fire Department, 201 N. St Marys Street in Suttons Bay Township, Michigan, via zoom.

Chair Rathnaw said there will be a roll call of any motions made.

ROLL CALL - Quorum Present

Present: Dennis Rathnaw, Chair, Tom Nixon, Rhoda Johnson, Susan Odom, Setterbo Rd. via zoom Dee McClure, Suttons Bay Twp, via zoom.

Absent: Amy Coleman, Doug Periard, Don Gregory, Andy Brandt

Staff Present: Steve Patmore, Matthew Cooke

Approval of the Agenda

Tom Nixon/moved, Rhoda Johnson/supported, to approve the agenda as submitted, PASSED.

Approval of the Minutes

Tom Nixon/moved, Dee McClure/supported, to approve the June 1, 2021 Minutes as submitted, PASSED.

Public Comment

Yarrow Brown, spoke in support of the Vineyard View Apartments special land use request.

Conflict of Interest

None.

Items of Discussion/Consideration

Chair Rathnaw suggests that Item 2, Zoning Ordinance Overhaul Project be tabled to the August meeting when more commissioners may be present.

Tom Nixon/moved, Rhoda Johnson/support, to table Item 2, Zoning Ordinance Overhaul Project to the August 2021 Meeting, PASSED.

1. Public Hearing for an Application from Homestretch Nonprofit Housing Corporation, Traverse City, MI, for a Site Plan Review and Special Land Use Permit to construct and operate eight (8) multi-family dwelling units at 525 N. Marek Rd.

Steve Patmore said this is a public hearing and consideration of an application that was

Approved as amended

August 3, 2021

submitted by Homestretch Nonprofit Housing Corporation, Traverse City, MI, for a Site Plan Review and Special Land Use Permit. The Application includes the following site improvements

- Remove existing single-family dwelling.
- Construction of two, four-unit, two-story apartment buildings (8 units).
- Construction of an asphalt service drive off of Marek Road with a turn-around.
- Asphalt Parking areas.
- Gated dumpster enclosure.
- Outdoor light fixtures.
- Stormwater retention areas.
- Construction of septic system and potable water system.
- Landscaping trees and shrubs.

Per the Zoning Ordinance this Application is a detailed site plan review by the Planning Commission.

For the Special Use Permit to be approved, the proposed use must meet the zoning ordinance requirements of the Agricultural District, General Conditions of the zoning ordinance, Standards for Special Land Uses, and Detailed Site Plan Review.

A Public Hearing was noticed for the July 6, 2021 Planning Commission Meeting and notices were sent out to property owners within 300' of the subject property.

Background/General Findings of Fact

1. The subject property is located at 525 N. Marek Road, Suttons Bay, MI, Parcel No. 45-001-020-004-12.
2. The subject property consists of 2.63 acres.
3. The subject property currently has an un-inhabited single-family dwelling on it.
4. The subject property is currently zoned Agricultural.
5. The subject property is currently owned by the Leelanau County Land Bank Authority according to township records and the Application.
6. According to the Application, the Applicant has an agreement with the Land Bank Authority to purchase the property.
7. The subject property was split via Land Division Act approved from the Parcel by a previous owner in 2005.
8. The subject property is not actively farmed, however, the photos submitted with the Application suggests that the neighboring vineyards may slightly encroach onto the subject property.
9. The subject property has frontage on Marek Road including an easement for ingress and egress due to topography. The proposed access to the subject property would be through the easement.
10. Adjacent property zoning and land use:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
East	Agricultural	Wooded/Agricultural
Southeast	Residential	Single-Family
North	Agricultural	Residential lot - vacant
West	Agricultural	Vineyard

South Agricultural Vineyard

11. The Future Land Use Map on page 56 of the 2011 Suttons Bay Community Joint Master Plan shows that this area was designated as Working Lands, as defined in the Plan. However, it should be noted that the area delineated as future Rural Residential is relatively close to Marek Rd and this property.

12. The Prime Farmland Map on page 47 of this 2011 Suttons Bay Community Joint Master Plan indicates that this area does not include Prime Farmland, however, a portion of the property may be in the area designated as Farmland of Local Importance.

13. The Application does not include any work on the existing Marek Road or the intersection of Marek Road and M-22.

Presentation by Applicant

John Stimson from Homestretch Nonprofit Housing Corporation said this is a good project for the site and will sit well as shown, \$1.7 million development.

This project serves 36 people. No short-term rentals. The Land Bank will put restrictions on the property for affordable housing.

The planning commissioners had no questions for Mr. Stimson.

Agency Approvals

- Benzie Leelanau District Health Department. The Application includes a Vacant Land Evaluation Report dated July 13, 2020 indicating that the site is suitable for a conventional sewage disposal system. The Applicant will need to have a sewer system designed and approved as well as a potable water system.
- Leelanau County Road Commission: The Application does not include any correspondence or review by the Road Commission. The Site Plan indicates an asphalt driveway approach to the county road. Marek Road is a relatively narrow gravel road. The Township sent the Application to the Leelanau County Road Commission Staff for their information.
- Michigan Department of Transportation: The Application does not include any correspondence or review by MDOT. The Marek Road/M204 intersection should be reviewed. The Township sent the Application to MDOT Staff for their information.
- Leelanau County Drain Commissioner/Soil Erosion: The Application does not include any correspondence or review by the Drain Commissioner/Soil Erosion Office. The project will need to be approved by the Drain Commissioner and a Soil Erosion Permit issued prior to construction.
- Suttons Bay Bingham Fire Chief: The Application was sent to the Fire Chief for any comments or concerns that they might have. A condition of approval should be that the access roads be maintained at all times for access by the emergency service vehicles.

That includes snow storage and no on-street parking by residents or visitors.

- Leelanau County Sheriff's Department: Although the Sheriff's Department is not required to approve the project, the Applicant submitted an e-mail from the Undersheriff.
- The Leelanau County Department of Building Safety must review and approve the plans for the apartment buildings.

Dusty Christensen of Mansfield & Associates addressed the agency approvals.

Site Plan Discussion -

- Trash Disposal (gates dumpster area, sw corner of parking lot)
- Mass grading of the site allows for the stormwater to flow to the west side and south side of the parking lot. There are long skinny basins around the perimeter of the parking lot itself to store the required amount of stormwater as per County code.
- Septic tanks and a pump chamber will go at the rear of the units.
(communal septage area west of parking lot, each unit will have pump tank that goes to a main tank).
- Parking - 2 spaces per unit, (16 spaces shown on the plan). Must provide for emergency access.
- Fire lane is adequate, meets private road standards.
- Township concerned that the visitor parking could block the emergency access.

Public comment -

Lois Bahle, Village of Suttons Bay, Housing Action Commission, need 600 housing units in Leelanau County by 2025. She asked if a recycle bin would be considered to be put in on subject property.

Written support from Yarrow Brown, Fred and Nancy Elmore.

The public hearing was closed.

Conformance with Zoning Ordinance Requirements

1. Article 4 – Agricultural District Requirements

A. Section 4.4B: Multi-Family Housing provided:

1. Development shall not be sited on Prime Farmland Soils as shown on the Prime Farmland Map in the Suttons Bay Community Joint Master Plan (August 2011, page 47). *A review of the Prime Farmland Map shows that there are no prime farmland soils on the subject parcel, however, there could be Farmland Soils of Local Importance.*

2. Lot width requires a minimum of three hundred (300) feet on public or approved private road.

The Subject Parcel has over 300' frontage on Marek Road including the dedicated ingress and egress easement.

3. Minimum lot size is two (2) acres.

Application meets this standard - Gross acreage of 2.63 acres.

a. Maximum density of single-story buildings is four (4) dwelling units per acre. ***Not applicable - buildings are two story.***

b. Maximum density of two-story buildings is eight (8) dwelling units per acre.

Application meets this standard:

Allowable = 2.63 acres x 8/acre = 21 units

c. Maximum density on one parcel is sixteen dwelling units.

Application meets this standard.

4. Setbacks:

a. The Planning Commission may require greater setbacks to minimize the impact on surrounding properties as per the requirements of Section 3.12, Landscaping, Screening, Buffers, and Greenbelts.

Does the Planning Commission feel that the proposed setbacks are adequate? The Applicant has noted the existing vegetation on the property.

b. Front setback shall be sixty (60) feet.

Application meets this standard - proposed setback is 60'

c. Agricultural District Setbacks: (Sides and Rear)

Application meets the Agricultural District Side and Rear Setback of 35'. Sides: 45' and 50'. Rear: 200'

5. Minimum square footage per dwelling unit is six hundred (600) square feet. ***Application meets this standard - the units listed at 960 to 1,200 square feet.***

6. Maximum lot coverage shall not exceed twenty-five (25) percent.

Application meets this standard - listed at 18%

7. Applicant must have Health Department evaluation or permit to insure adequate well and septic capabilities prior to applying for a Special Land Use Permit.

Evaluation Received - Permits should be a condition.

2. ARTICLE 3 - GENERAL PROVISIONS

A. Section 3.12 Landscaping, Screening, Buffers, and Greenbelts.

There is existing vegetation on the property that is designated to remain. The Application shows additional plantings around the parking lots.

The Planning Commission determined by consensus that the proposed Landscaping, Screening, Buffers, and Greenbelt are adequate.

B. Section 3.12.3 Parking Lot Landscaping:

None of the proposed parking areas contain more than 5 parking spaces, therefore, this section does not apply. However, the Site Plan shows landscaping around the parking lot.

C. Section 3.25 Off Street Parking:

Approved as amended
August 3, 2021

Number of Spaces Requires: Residential Use: Two parking spaces per dwelling unit. 8 units x 2 unit=16 spaces required.

Number of Spaces Provided: *17 spaces shown on Final Site Plan, including one handicap parking space. The number of handicap spaces reviewed by Leelanau County. Applicant meets this requirement; however, visitor parking was discussed.*

PLANNING COMMISSION REVIEW:

The Planning Commission, as a group, must go through the following standards and make findings. The findings can show that the Application meets/does not meet/or meets with the establishment of conditions. The Planning Commission can establish reasonable conditions pursuant to Section 20.9 of the Ordinance.

FINDINGS OF FACT RELATED TO SPECIAL LAND USES.

Section 20.8 Governing Standards

In deciding to grant or to deny a special land use application, the Commission shall establish the following standards shall have been satisfied, together with all other requirements of the Ordinance. The standards enumerated herein are intended to promote the intent and purpose of the Ordinance and to ensure that the land use or activity authorize shall be compatible with the zoning district, the adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed land use. These standards shall ensure that the proposed land use or activity is consistent with the public health, safety and welfare of the Township.

Each of the proposed special land uses on the proposed location shall:

A. Meet all the specific requirements of the particular special land use contained in the zoning district for which the special land use is proposed.

See above review.

B. Be designed, constructed, operated and maintained so that such use will not change the essential character of the zoning district and surrounding vicinity in which it is proposed.

See Applicant responses contained in the Application.

The Planning Commission finds that the Application and Site Plan meets this Standard.

There is no "C" in this section of the official zoning ordinance.

D. Be served adequately by essential public facilities and services, including but not limited to highways, streets, off-street parking, police, fire protection, drainage district, refuse disposal, water and sewage facilities, schools, etc.

See Applicant responses contained in the Application.

The Planning Commission finds that the Application and Site Plan meets this Standard, provided that all permit and approvals are obtained, particularly the Road Commission and MDOT approvals.

E. Not unduly burden the capacities, or negatively impact public services and facilities affected by the proposed special land use, nor result in excessive additional public cost for the creation of

Approved as amended
August 3, 2021

facilities and services not otherwise available.

See Applicant responses contained in the Application.

The Planning Commission finds that the Application and Site Plan meets this Standard, provided that all permits and approvals are obtained, particularly the Road Commission and MDOT approvals.

F. Not adversely affect the natural environment, especially any creek, stream, lake, pond, wetlands area.

The Planning Commission finds that the Application and Site Plan meet this Standard.

G. Not adversely affect farmland or farming operations, but to the extent practicable preserve it as open space or provide adequate buffering between the special land use and farmland.

The Planning Commission finds that the Application and Site Plan meets this Standard.

H. Demonstrate in the site plan that there exists sufficient protection to ensure that there will be no additional storm water runoff created by the proposed special land use, or that adequate and full measures have been taken to accommodate such storm water runoff on the proposed site location. ***For purposes of this standard the receipt of a Soil Erosion Permit or Drain Commissioner's review shall satisfy this requirement.***

I. Provide that the special land use including off-street parking, loading and unloading areas, outside storage areas, and areas for the storage of trash, which face or are visible from neighboring property or public thoroughfares, shall be screened in accordance with Section 3.12 Landscaping, Greenbelts, Buffers, Screen and Fences.

The Planning Commission finds that the Application and Site Plan meets this Standard.

J. Conform to the requirements of Section 3.18 Outdoor Lighting Standards.

- Outdoor Lighting is proposed.

This should be a condition of approval.

K. Not be hazardous to adjacent or neighboring properties, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or to adjacent and neighboring properties, through the excessive production of traffic, noise, smoke, odor, fumes or glare.

The Planning Commission finds that the Application and Site Plan meets this Standard.

L. Be in compliance with the requirements of the district in which it is proposed and with all other standards in this Ordinance, as well as with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Leelanau County Soil Erosion Control Officer, Suttons Bay/Bingham Fire Department, DNR, and other applicable Township, County, and Federal statutes.

Motion to approve

Tom Nixon/moved, Rhoda Johnson/supported, to approve with conditions the Application submitted by Homestretch Non-Profit Housing Corporation for a Special Land Use Permit to construct and operate eight (8) multi-family housing units on the subject property as shown on

Approved as amended

August 3, 2021

the Site Plan dated 5/04/2021. This Decision is based upon the Application, Site Plan, Public Comment, General Findings of Fact, and review of the Special Use Permit Governing Standards. Subject to the following conditions:

- 1. Regular Land Use Permits must be obtained from the Zoning Administrator for all structures. The following must be submitted.*
 - A. Site Plan showing any minor changes required by Agencies.*
 - B. Benzie/Leelanau District Health Departments for the water and sewer.*
 - C. Architectural Plans for the buildings.*
 - D. Details of outdoor lighting fixtures.*
- 2. All applicable requirements of any county, state and federal permits and statutes shall be met.*
- 3. The access drive, parking areas, proposed tree plantings, and water and sewer system shall be completed prior to occupancy of the apartments.*
- 4. There shall be no parking allowed for apartment use on Marek Road.*
- 5. Parked vehicles within the facility shall not block emergency access routes at any time. Emergency access and fire lanes shall be maintained at all times.*
- 6. Any outdoor lighting shall be shielded downward and shall meet the requirements of the zoning ordinance.*
- 7. Any signage, including temporary or portable signage, shall be in compliance with the zoning ordinance.*
- 8. Landscape plantings shall be maintained and replaced, if necessary. The buffer of existing vegetation must be replaced with a greenbelt if removed for any reason.*

9. Expiration Dates:

This Approval and Special Use Permit will expire if Land Use Permits are not obtained and meaningful progress made toward completion within two (2) years from this approval. This date can be extended another two years by the Planning Commission upon written request.

Roll call vote for the motion:

Yes: Dennis Rathnaw, Tom Nixon, Susan Odom, Rhoda Johnson, Dee McClure.

No: None

Absent: Don Gregory, Amy Coleman, Doug Periard, Andy Brandt

MOTION PASSED.

2. Zoning Ordinance Overhaul Project (tabled to the August 2021 Meeting).

Approved as amended
August 3, 2021

REPORTS:

Zoning Administrator - Written report submitted.
Planner - No report.
Township Board - Upcoming OMA Training.
Chair Comments: None.

Commissioner Comments -

Tom Nixon - concerned about Peck Rd. Planning Commission should have reviewed the conditions as part of making the decision.
Rhoda Johnson - Asked if any has changed on Peck Rd.
Steve Patmore - The Leelanau Watersports Decision became official tonight when the Minutes were approved.
Susan Odom - Asked about Zoning Administrator's Report.

Public Comment - Lois Bahle commented on the proposed project.

Next meeting Agenda - August 3, 2021

ADJOURNMENT - Chair Rathnaw adjourned the meeting at 7:09 p.m.

Minutes by Marge Johnson, Recording Secretary
Amy Coleman, Planning Commission Secretary